

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OTELIA C. LONG,)	CASE NO. 5:10CV2422
)	
PLAINTIFF,)	JUDGE SARA LIOI
)	
vs.)	
)	
COMMISSIONER OF SOCIAL)	MEMORANDUM OPINION
SECURITY ADMINISTRATION,)	AND ORDER
)	
DEFENDANT.)	
)	

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge in the above-entitled action. Under the relevant statute:

[. . .] Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

The R&R was served electronically at 3:56 p.m. on February 10, 2012. Under ¶ 14 of the Electronic Filing Policies and Procedures Manual of the Northern District of Ohio (“EFPPM”), “[s]ervice by electronic mail will constitute service pursuant to Fed. R. Civ. P. 5(b)(2)(E)[.]” which provides that, where a party has consenting in writing to electronic mail service, such service is “complete upon transmission[.]”¹ However, service by electronic mail

¹ Under the EFPPM, “[b]y participating in the electronic filing process, the parties consent to the electronic service of all documents pursuant to Fed. R. Civ. P. 5(b)(3) and 5(b)(2)(E).” (EFPPM, ¶ 14.)

also “entitle[s] the party being served to the additional 3 days provided by Fed. R. Civ. P. 6(d) [...]” (EFPPM, ¶ 14.) Therefore, any objections to the R&R in this case were due by February 27, 2012. No objections have been filed and the deadline has passed.

The failure to file written objections to a Magistrate Judge’s R&R constitutes a waiver of a *de novo* determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff’d*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed the Magistrate Judge’s R&R and adopts the same. Accordingly, since substantial evidence supports the finding of the Commissioner that Otelia C. Long had no disability, the decision of the Commissioner to deny Long disability insurance benefits and supplemental security income is **AFFIRMED** and this case is **DISMISSED**.

IT IS SO ORDERED.

Dated: February 28, 2012



HONORABLE SARA LIOI
UNITED STATES DISTRICT JUDGE